

STEUBEN CIRCUIT AND SUPERIOR COURT LOCAL COURT RULES

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CIVIL RULES

LR76-AR00-1 Scope

A. Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Civil Rules, repealing any Local Civil Rules heretofore promulgated by the Court. These rules shall become effective March 15, 2007. These rules do not apply to small claim, domestic relation, traffic infraction or juvenile cases.

LR76-AR00-2 Citation

A. All further reference to the Ind. Trial Rules shall be preceded by the designation T.R. followed by the rule number. These Local Civil Rules shall be cited as L. Civ. R. followed by the rule number.

LR76-AR00-3 Case Filings

By mutual agreement between the Courts the following cases shall be filed in the Court as designated:

A. All probate, adoption or juvenile cases shall be filed in the Steuben Circuit Court.

B. All small claim or traffic infraction cases shall be filed in the Steuben Superior Court.

C. To the extent permitted by law, all new cases not set forth above shall be assigned a Court by the Clerk on a random blind draw basis.

D. The presiding judge in advance of the filing of any case in the Circuit or Superior Court may consent to the filing of that case in his Court upon good cause shown.

LR76-AR00-4 Preparation of Pleadings, Motions and Other Papers

For the purpose of uniformity, convenience, clarity, and durability, the following requirements shall be observed in the preparation of all pleadings, motions, and other papers:

A. Paper - Print, Quality and Binding. All pleadings, motions, orders, process, and other papers shall be neatly and legibly printed, typewritten, or mechanically reproduced, on one side only, on white opaque paper. To satisfy the record keeping requirements of T.R. 77, the print shall be of sufficient density and clarity for preservation purposes. For this reason, the use of non-letter-quality printers is prohibited.

All documents shall be produced on acid-free, non-thermal paper. It is recommended that a minimum of 20-pound, 25% cotton paper product be used. Documents of multiple pages shall be submitted in bound or stapled fashion, and the binding or stapling shall be at the top only. Covers or backings shall not be used.

B. Spacing of Text. Except for quotations, which shall be indented and single-spaced, the text of all pleadings, motions, orders, memoranda and other papers shall be double-spaced.

C. Signature. Neither typewritten nor facsimile signatures shall be accepted on original documents requiring a signature. Facsimile signatures are permitted on copies. All such documents shall contain the written signature of the attorney, if any; the printed name; Indiana Attorney Registration Number; the name of the firm, if any, with whom the attorney is associated; address; telephone number; and, designation of the party represented. The following format is recommended:

JOHN DOE
Indiana Attorney Number: 1111-45
DOE, ROE AND SMITH
Suite 35, Blackacre Building
Angola, Indiana 46703
TX: (260) 555-3000
Attorney for Plaintiff

LR76-AR00-5 Filing/Service

A. Attorney Boxes. The Court designates the attorney boxes located in the Court office as an alternative suitable means for making service of all legal papers by counsel or by the Clerk.

LR76-AR00-6 Motions

A. Briefs. All motions filed pursuant to T.R. 12 and T.R. 56 shall be accompanied by separate supporting briefs with citation to appropriate legal authority. An adverse party shall have thirty (30) days after service of the initial brief in which to serve and file an answer brief, and the moving party shall have ten (10) days after service of the answer brief in which to serve and file a reply brief. With regard to all other motions or matters submitted to the Court, and so long as consistent with the Ind. Trial Rules, an adverse party wishing to respond shall do so within ten (10) days after service. The moving party shall have ten (10) days after service of the response within which to reply. Failure to file an answer brief or reply brief within the time prescribed above shall be deemed a waiver of the right to do so.

B. Oral Arguments. The granting of a motion for oral argument, unless required by the Ind. Trial Rules, shall be discretionary with the Court.

C. Separate Motions and Orders; Service. Motions shall not be ruled upon unless accompanied by a separate form of order.

All orders shall be accompanied with sufficient copies and stamped, pre-addressed envelopes, so that copies may be mailed to all counsel and unrepresented parties, except for those parties represented by counsel, and who have an attorney mailbox located in the Court office.

LR76-AR00-7 Withdrawal of Appearance

A. Motion, Notice, Waiver. All withdrawals of appearance shall be in writing and by leave of Court. Except for good cause shown, no Motion to Withdraw shall be granted unless filed within thirty (30) days prior to any scheduled hearing. Permission to withdraw shall be given only after the withdrawing attorney has given the client ten (10) days written notice of his/her intention to withdraw. A copy of the notice of intention to withdraw shall be attached to the motion seeking leave to withdraw. This rule may be waived by the Court if withdrawal is at the written request of the client; accompanied by the appearance of successor counsel; or, for other good cause shown. All withdrawals shall fully comply with the Rules of Professional Conduct, Rule 1.16.

B. Withdrawal Will Not Effect Continuance. Withdrawal of counsel, in and of itself, shall not effect a continuance of any pending matter.

LR76-AR00-8 Removal of Records - Law Library

A. Consistent with the intent of Administrative Rule 10, neither the Case File, Chronological Case Summary, nor contents of the Record of Judgments and Orders shall be removed from the custody of the Court

or Clerk.

B. Books located in the law library maintained in the Courthouse shall not be removed from the Courthouse, and shall be promptly reshelfed following use.

LR76-AR00-9 Continuances - Extensions of Time to Answer

A. Motion. In all cases where the parties are represented by counsel, no motion for continuance will be acted upon by the Court unless it is made to appear in the body of the motion that moving counsel has attempted to arrange with opposing counsel a mutually satisfactory date and time to hear the continued matter and the new date and time has been confirmed as available by Court staff. The new date and time should appear in the order tendered to the Court for signature.

If counsel are unable to arrive at a mutually satisfactory date and time to continue the matter, then, this fact shall be made to appear in the body of the motion and the Court shall then rule upon the merits of the motion.

B. Time for Filing. A motion for continuance must be filed as soon after the cause for continuance is discovered, and not later than ten (10) days before hearing or trial, unless the reason for the continuance is shown to have first occurred within that period.

C. Automatic Extension for Answer. Provided it is timely filed, the entry of an appearance by a party or counsel in response to a summons in an action that requires an answer shall effect an automatic extension of thirty (30) days from the filing thereof within which to answer or otherwise respond.

LR76-AR00-10 Discovery

A. Commencement and Extensions. In general, counsel are expected to begin discovery promptly, and shall be granted extensions only upon a showing of diligence and good cause.

B. Interrogatories and Request for Admissions. Interrogatories shall be tailored specifically to the cause in which they are served and numbered consecutively to facilitate response. No party shall serve on any other party more than sixty (60) Interrogatories or more than sixty (60) Request for Admissions (other than those relating to the authenticity or genuineness of documents), including subparagraphs, without leave of Court. Subparagraphs shall relate directly to the subject matter of the Interrogatory or Request for Admission. Any party desiring to serve additional Interrogatories or Request for Admissions shall first file a written motion with the Court which specifically shows the necessity for additional Interrogatories or Request for Admissions.

C. Attorney Conference. Strict compliance with T.R. 26 through 37 is required. The discovery process is intended to be largely self-actuating with minimal court supervision. Therefore, the Court will not rule on motions related to discovery disputes unless moving counsel represents that after personal or telephonic conference, in a good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the Court, by way of motion or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the Court may, after hearing, impose appropriate sanctions.

LR76-AR00-11 Pre-Trial Procedure

A. Mediation. All civil plenary and civil tort cases shall be referred to mediation unless waived by the Court.

B. Pre-Trial Conference. Upon being advised that mediation was unsuccessful, the Court shall schedule a preliminary pre-trial conference. Each party shall be represented at this conference, which may be telephonic, by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

- (1) a discovery schedule;
- (2) the necessity for amendments to the pleadings;
- (3) time limits for the exchange of preliminary witness and exhibit lists;
- (4) time limits for filing dispositive motions;
- (5) the scheduling of a final pre-trial conference; and,
- (6) the scheduling of the trial date.

C. Case Management Order. At the conclusion of the preliminary pre-trial conference, the Court shall enter a Case Management Order setting forth:

- (1) a time limit for completion of discovery;
- (2) a time limit for joinder of additional parties and amendment of pleadings;
- (3) a time limit for the exchange of a preliminary witness and exhibit list;
- (4) a time limit for filing all pre-trial dispositive motions;
- (5) the scheduling of a final pre-trial conference; and,
- (6) the scheduling of the trial date.

D. Mandatory Final Pre-Trial Conference. A final pre-trial conference shall be held in every civil plenary or civil tort case at which each party shall be represented by the attorney who will conduct the trial.

E. Contents of Proposed Pre-Trial Order. Counsel shall prepare a proposed pre-trial order which shall be executed by counsel for all parties and filed not later than five (5) days prior to the final pre-trial conference. The proposed final pre-trial order shall set forth the following sequence:

- (1) the jurisdiction of the Court;
- (2) the pleadings raising the issues;
- (3) any motions or other matters requiring action by the Court;
- (4) a concise statement of stipulated facts;
- (5) a concise statement of issues of fact which remain to be litigated;
- (6) a concise statement of issues of law which remain for determination by the Court;
- (7) the plaintiff's contentions;
- (8) the defendant's contentions;
- (9) the plaintiff's list of trial exhibits;
- (10) the defendant's list of trial exhibits;
- (11) the plaintiff's list of trial witnesses, with addresses. Expert witnesses shall be so designated; and,
- (12) the defendant's list of trial witnesses, with addresses. Expert witnesses shall be so designated.

When, for any reason, the final pre-trial order is not executed by all counsel, each counsel shall file no later than three (3) days prior to the final pre-trial conference a written statement of the reasons therefore and accompanied with their proposed final pre-trial

order.

E. Pre-Trial Order. At the conclusion of the final pre-trial conference, the Court shall enter a final pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the Court to prevent manifest injustice.

F. Proposed Jury Instructions. Proposed preliminary and final jury instructions, and all motions in limine, shall be filed and served no later than five (5) days prior to the final pre-trial conference. Instructions covering issues arising at trial which could not reasonably be anticipated in advance of trial may be submitted during the trial. Each instruction shall be accompanied by citations to legal authority.

Written objections to proposed jury instructions shall be submitted to the Court no later than three (3) day before the final pre-trial conference. The written objections shall make reference to the number of the instruction being objected to; state specifically the nature of the objection; and, be accompanied by citations to legal authority.

G. Sanctions. Failure of the parties or their attorneys to be prepared for the preliminary pre-trial conference, the final pre-trial conference, or to otherwise comply with this Local Civil Rule, may be sanctioned pursuant to T.R. 16(K).

LR76-AR00-12 Attorney Fee Requests

A. Affidavits. When attorney fees are requested from the opposing party, the requesting attorney shall submit a fee affidavit. The Court shall admit the fee affidavit into evidence subject to cross-examination.

B. Contents of Affidavit. The fee affidavit shall state:

- (1) the requested fee and how calculated;
- (2) the amount, to date, counsel has received from all sources; and
- (3) a copy of the written fee contract, if any, shall be attached to the fee affidavit and be deemed a part thereof.

DOMESTIC RELATION RULES

LR76-DR-1 Scope

A. Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Domestic Relation Rules, repealing any Local Domestic Relation Rules heretofore promulgated by the Court. These rules shall become effective March 15, 2007.

LR76-DR-2 Citation

A. All further reference to the Ind. Trial Rules shall be preceded by the designation T.R. followed by the rule number. These Local Domestic Relation Rules shall be cited as L. Dom. Rel. R. followed by the rule number.

LR76-DR-3 Cooperation

A. In all proceedings involving custody or parenting time of children, this rule shall require the parties to first utilize cooperative approaches to resolving the dispute, prior to adversarial

proceedings.

LR76-DR-4 Dissolution of Marriage

A. Temporary Restraining Order. The Court will only in extraordinary circumstances issue an ex parte restraining order. Strict compliance with T.R. 65(E) is required. The body of the motion must demonstrate what efforts have been made to notify the opposing party that an ex parte order will be sought, or why efforts at notification would be futile, and demonstrate why justice demands relief be given without notification to the opposing party.

B. Provisional Relief Hearing. If each party is represented by counsel, then counsel shall before the date and time set for hearing on a Motion for Provisional Orders meet and attempt to resolve all provisional matters by way of Agreed Entry. At the beginning of each provisional order hearing counsel will be asked whether this meeting between counsel has occurred. If not, except upon a showing of good cause, counsel will be directed to a conference room and the meeting shall occur forthwith.

On or before the date the Motion for Provisional Orders is set for hearing each party, if applicable, shall file with the Court the Child Support Obligation Worksheet and Parenting Time Credit Worksheet set forth at Appendix 1. If a temporary division of marital assets and/or debts is to be at issue at the hearing, then, each party shall file with the Court the Verified Asset and Expense Statement set forth at Appendix 2.

The first scheduled provisional order hearing shall be expedited in nature with counsel fully prepared to advise the Court of all relevant facts which will be necessary for the Court to enter a

provisional order. All expedited hearings will be held in open court and on the record. It shall be the responsibility of counsel to advise the Court if they will need court time for a non-expedited provisional order hearing. At this time the parties shall also be expected to show compliance with the requirement regarding parent education programs and the requirements of this rule concerning mediation.

C. Child Support. All orders establishing or modifying child support shall be effective as of the date the motion for said establishment or modification was filed except for good cause shown. All orders establishing or modifying child support shall be made in accordance with the Indiana Child Support Guidelines established by the Indiana Supreme Court and Ind. Code § 31-16-6-1 or Ind. Code § 31-14-11-2.

D. Custody Evaluations. Unless waived by the Court no case involving the issue of contested child custody will be set for final hearing until there is filed with the Court a custodial evaluation prepared by an expert approved by the Court. Upon request, the Court will allocate costs subject to review at final hearing. The written report of the expert shall be deemed admitted into evidence subject to cross-examination. However, no custody evaluation may be conducted, ordered by the Court or requested by any party unless and until cooperative approaches, such as mediation, have been exhausted.

E. Property, Indebtedness, and Earnings Disclosure Forms.

The Court has prepared and makes available to counsel a Property, Indebtedness, and Earnings Disclosure Form as set forth at Appendix 3.

F. Court Time. Court time for a final contested hearing on a

Petition for Dissolution of Marriage will not be scheduled until a party has fully completed and filed a Property, Indebtedness and Earnings Disclosure Form. Thereafter, the following rules apply:

(1) A copy of said form, when served upon the opposing party, if represented by counsel, shall be deemed to be a Request for Admissions by the opposing party that the information contained on said form is true.

(2) The opposing party shall respond to such Request for Admissions by completing such party's respective portion of the disclosure form and filing same with the Court within thirty (30) days from date of service. The responding party shall make his or her disclosures on a copy of the **SAME FORM** served by the opposing party so that the copy filed with the Court by the responding party contains both parties' disclosures on the same form.

(3) In the event that the party being served with the initial Property, Indebtedness and Earnings Disclosure Form does not, within thirty (30) days from the date of service, file his or her respective portion of the disclosure form, if represented by counsel, the information contained in the Property, Indebtedness and Earnings Disclosure Form then on file shall be deemed to be admitted as fact by all parties.

G. Parenting Time Schedule. Unless the Court enters specific orders to the contrary, any order of the Court providing for custody of children shall be deemed to provide, by operation of this rule, for the implementation of parenting time with said child(ren) by the non-custodial parent in accordance with the Indiana Parenting Time Guidelines.

H. Verified Submission of Child Support Information. If not previously filed, on or before the date of the final hearing on any Petition for Dissolution of Marriage, Petition to Establish Paternity or Petition to Modify Child Support, the parties shall submit to the Court a completed copy of the Child Support Obligation Worksheet and Parenting Time Credit Worksheet set forth at Appendix 1. All numbers

shall be rounded to the nearest whole dollar.

I. Mandatory Exchange of Information. Within thirty (30) days after counsel for Respondent enters an appearance, both counsel shall voluntarily exchange the following information for their clients:

- (1) Federal and state income tax returns, with all supporting schedules, for the preceding three (3) years;
- (2) Pay stubs for the preceding four (4) weeks;
- (3) Bank statements showing balances in all accounts as of the date the petition was filed;
- (4) Pension valuations showing those benefits which were vested as of the date of marriage, and, which were vested as of the date of filing the petition;
- (5) Copies of all deeds, mortgages, and land contracts;
- (6) Copies of all real estate and personal property appraisals done within the preceding five (5) years;
- (7) Copies of all financial statements provided to any financial institution within the preceding five (5) years;
- (8) A list of all marital debts showing the name of the creditor, whether the debt is joint or individual, monthly payments, and payoff as of date of filing the petition; and,
- (9) All other relevant information in the party's possession pertaining to custody, support, parenting time or marital assets or marital debts.

J. Education Program. In any dissolution, legal separation or paternity case where orders are requested regarding unemancipated children counsel for the moving party shall set forth in the initial pleading filed that his/her client has completed the registration form necessary to attend the Court approved parenting program designed to lessen the adverse impact of divorce upon the child(ren). The child(ren) shall likewise be required to attend a separate program if

age appropriate. A registration form is attached as Appendix 4.

Counsel for the responding party shall on the date his/her appearance is filed certify to the Court in writing that his/her client has completed the registration form necessary to attend the Court approved parenting program.

A party unrepresented by counsel shall be advised by the Court that he/she must attend the parenting program and be provided with the necessary registration form.

Failure of a party to attend the educational program may result in that party being found in contempt.

K. Income Withholding Orders. No divorce settlement agreement or post-divorce modification agreement involving minor children will be approved by the Court unless accompanied by an Income Withholding Order, fully completed, and ready for immediate activation, unless it is made to appear that such would not be in the best interest of the minor child(ren), or is otherwise not required by law. The fact that the parties have joint custody, standing alone, is an insufficient basis not to have in place an Income Withholding Order.

LR76-DR-5 Mediation

It is the policy of the Court to refer all custody and parenting time issues to mediation. This policy shall be implemented as follows:

A. New Divorces and Paternity Proceedings.

- (1) The Court shall enter a mediation order in every case except if both counsel advise the Court that the parties are negotiating in good faith and a Settlement Agreement appears eminent, or, it is made to appear to the Court that a party has been the subject of domestic

violence and mediation would be counter-productive.

- (2) Alternative Dispute Resolution Rule 2 shall govern the conduct of the parties and the mediation process.
- (3) Recognizing that driving long distances can itself present unique problems to successful mediation, the Court will endeavor to make available rooms in the Courthouse within which to conduct the mediation sessions if requested.
- (4) Once a case is referred to mediation, it shall not be set for contested final hearing until, in addition to all other requirements of these Local Domestic Relation Rules being met, the Court receives a written report from the mediator. The report shall advise the Court what, if any, issues have been successfully resolved through mediation. All issues which have been resolved shall be set forth in writing by the mediator, signed by the parties and their counsel, and, shall serve as stipulations of the parties at any contested final hearing.
- (5) As officers of the Court, the attorneys shall explain to their clients the benefits of mediation, all projected costs, including attorney fees, to be anticipated in preparing for and concluding a contested final hearing, and, that the agreement which they make concerning the issues in their case could be more satisfactory to them than one fashioned by the Court following a contested final hearing.

B. Post-Dissolution.

- (1) All post-dissolution petitions or counter petitions which seek a modification of child custody shall immediately be referred to mediation.
- (2) Paragraphs A2, A3, A4 and A5 set forth above shall each be applicable to post-dissolution mediation.

LR76-DR-6 Parenting Program

A. The Court may in its discretion require parents in any post-dissolution custody dispute to attend parenting classes sponsored by Right Relations, Inc., 327 East Wayne Street, Suite 200, Fort Wayne, Indiana 46802, telephone number (260) 436-7578.

B. Costs of attending the parenting classes shall be allocated between parents based upon their respective percentage of weekly gross income as set forth on the Child Support Obligation Worksheet.

CRIMINAL RULES

LR76-CR-1 Scope

A. Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Criminal Rules, repealing any Local Criminal Rules heretofore promulgated by the Court. These rules shall be effective March 15, 2007.

LR76-CR-2 Citation

A. All further reference to the Ind. Criminal Rules shall be preceded by the designation Crim. R. followed by the rule number. These Local Criminal Rules may be cited as L. Crim. R. followed by the rule number.

LR76-CR-3 Appearance/Waiver

A. Defendant shall appear in person, and by counsel, if counsel has entered an appearance, at the initial hearing in all felony and misdemeanor cases.

B. A defendant appearing with counsel may waive appearance at the initial hearing by filing a written waiver signed by defendant and counsel in a misdemeanor case. A form of waiver is set forth at Appendix 5. A defendant shall appear in person at all subsequent hearings.

LR76-CR-4 Withdrawal of Appearance

A. In all criminal cases withdrawal of representation of a defendant by counsel shall be done in accordance with the provisions of Ind. Code § 35-36-8-2.

LR76-CR-5 Pre-Trial Procedures

A. Felonies/Misdemeanors. The initial hearing in criminal cases shall be held before the Magistrate under the following circumstances:

- (1) All persons held in jail at the time that the initial hearing is conducted.
- (2) All persons charged with any Felony or Misdemeanor assigned to the Steuben Circuit Court.
- (3) All persons facing criminal charges with even numbered cause numbers and charged with any Class D Felony, or Class A, B, or C Misdemeanor assigned to the Steuben Superior Court.
- (4) All persons charged with any Class D Felony, or Class A, B, or C Misdemeanor, and who may have pending criminal causes already assigned to the Magistrate.

The initial hearing in criminal cases shall be held before the Steuben Circuit Court Judge under the following circumstances:

- (1) All persons who may have pending criminal causes already assigned to the Circuit Court.

The initial hearing in criminal cases shall be held before the Steuben Superior Court Judge under the following circumstances:

- (1) All persons charged with a Class A, B, or C Felony in the Superior Court, and not held in jail at the time of the initial hearing.
- (2) All persons facing criminal charges with odd numbered cause numbers and charged with any Class D Felony, or Class A, B, or C Misdemeanor assigned to the Steuben Superior Court.
- (3) All persons charged with lesser offenses in the Superior Court, and who may have pending criminal causes already assigned to the Superior Court.

B. At the conclusion of the initial hearing, the Judicial Officer

will set the cause for pre-trial conference in the appropriate court and assign the case an omnibus date.

C. All misdemeanor cases will be set for bench trial unless the State or defendant complies with the requirements of Crim. R. 22.

D. In all cases to be tried to a jury motions in limine and proposed jury instructions, if any, shall be filed with the Court no later than five (5) days prior to trial, except for good cause shown.

E. No criminal case, except for good cause shown, will be set for a change of plea hearing unless the defendant first files with the Court a written motion which seeks leave of Court to withdraw his/her former plea of not guilty and to enter a plea of guilty together with a fully executed copy of the proposed plea agreement. Pre-sentence reports shall be prepared by the Probation Department prior to the change of plea hearing in all felony cases.

LR76-CR-6 Discovery/Character Evidence

A. In all criminal cases, the State and the defendant shall comply with the terms of the standing Criminal Discovery Order set forth at Appendix 6.

B. All character evidence which the State intends to offer pursuant to Ind. Rules of Evidence 404(b) shall be made available to defendant no later than the date scheduled for the initial pre-trial conference, except for good cause shown.

LR76-CR-7 Bail Policies and Schedule

A. All persons charged with a criminal offense, other than murder, or attempted murder, shall be admitted to bail in an amount fixed by the Court and endorsed upon the warrant of arrest.

B. Persons entitled to bail may be admitted to bail by:

- (1) executing a bail bond with sufficient solvent sureties as required by Ind. Code § 35-33-8; or,
- (2) depositing cash in an amount equal to the bail; or,
- (3) providing any other bond or surety as may be approved by the Court.

C. Except where restriction is endorsed on the warrant, or as set forth below, a defendant may be admitted to bail by executing a Personal Appearance Bond with ten percent (10%) Cash Deposit Surety Agreement as set forth at Appendix 7, and depositing with the Clerk cash equal to ten percent (10%) of the aggregate bail or fifty dollars (\$50.00), whichever is greater.

However, a ten percent (10%) cash bond is authorized only when:

- (1) the defendant is a resident of the State of Indiana;
- (2) the defendant is charged with a Class C felony or lesser crime;
- (3) the defendant has no prior conviction for a felony known to the detaining officer; or,
- (4) the defendant is not charged with a crime of violence involving personal injury.

D. In any case in which a full cash bond or ten percent (10%) cash bond has been deposited:

- (1) The full cash bond or ten percent (10%) cash bond deposit shall be posted by the defendant only and in the defendant's name only and shall be considered a personal asset of the defendant.
- (2) The full cash bond or ten percent (10%) case bond deposit, after final judgment of conviction, shall be applied as follows:
 - (a) payment of the Clerk's administrative fee;
 - (b) payment of public defender fees;
 - (c) payment of fines, court costs, restitution and initial and monthly probation user fees;
 - (d) payment of administrative fees;

- (e) payment of any other fees as ordered by the Court; and,
- (f) The balance shall be released to the defendant.

E. Individuals arrested without a warrant may post bail according to the bail schedule set forth below, including a ten percent (10%) cash bond, without being first brought before the Court if the standards of paragraph C above are satisfied. All other individuals arrested without a warrant shall be brought before the Court not later than the day of arrest if the Court is in session, or, the next day the Court is in session following arrest for his/her initial hearing.

F. No individual arrested while intoxicated shall be released or brought before the Court until sober.

G. Juveniles (individuals under 18 years of age) shall not be held to bail and are to be released to the recognizance of a parent or guardian upon approval of the Court or Probation Officer. Juveniles who are detained shall be brought before the Court for a prompt detention hearing in accordance with law.

H. The following bail schedule determines presumptively reasonable bail that shall be set pursuant to paragraph E above. This bail schedule is superseded by bail endorsed upon a warrant or otherwise set by order of the Court.

Murder	presumptively not bailable
Class A Felony	\$100,000.00
Class B Felony	\$ 50,000.00
Class C Felony\$ 20,000.00
Class D Felony\$ 5,000.00

Class A Misdemeanor	\$ 2,500.00
Class B Misdemeanor	\$ 1,000.00
Class C Misdemeanor	\$ 500.00

I. Pursuant to Indiana Code 35-33-8-3.2, a Judicial Officer assessing bail may also require reasonable conditions for bail. The conditions may include:

- (1) Reasonable restrictions on the activities, movements, associations, and residence of a defendant during the period of release.
- (2) A requirement that a defendant be refrained from any direct or indirect contact with an individual.
- (3) Placing a defendant under the reasonable supervision of a probation officer or other appropriate public official.
- (4) Releasing a defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court.

LR76-CR-8 LOCAL TRAFFIC VIOLATION

A. If a Defendant fails to appear after having been provided notice of the initial hearing date or subsequent hearing dates, he may be defaulted. The Court shall notify the Clerk of the Defendant's failure to appear. The Clerk shall notify the Defendant of the judgment entered, and shall notify the Defendant that he/she must pay the scheduled fine and costs within thirty (30) days. Should the Defendant fail to make the required payment within this thirty (30) day limit, the Clerk shall certify to the Bureau of Motor Vehicles that the Defendant failed to appear and failed to pay any fine and costs, and that the Defendant's driving privileges should be suspended until the fine and costs are paid in full.

B. Any judgment so entered may also be sought through a levy of

execution, proceedings supplemental or any other method appropriate to the collection of civil judgments.

C. All judgments levied by the Court shall be payable in cash, money order or law firm check. Any judgment not paid in the time required is also subject to all statutory interest, late fees or similar fees allowed by law.

ADMINISTRATIVE RULES

LR76-AR-1 Scope

A. Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Administrative Rules, repealing any Local Administrative Rules heretofore promulgated by the Court. These rules shall become effective March 15, 2007.

LR76-AR-2 Citation

A. These Local Administrative Rules shall be cited as L. Admn. R. followed by the rule number.

LR76-AR-3 Cell Phones/Cameras

A. No cell phones, cameras or recording devices of any nature whatsoever will be permitted into the Courthouse.

B. All such devices will be confiscated by security personnel at the front door of the Courthouse, and promptly returned to the owner upon his/her departure from the Courthouse.

C. Courthouse employees, law enforcement personnel and members of the Indiana Bar who are identified as such are exempt from the provisions of this Local Administrative Rule.

LR76-AR1E-4 Criminal Case Filings

A. All felony cases shall be filed on the basis of random selection, except:

- (1) If an active case or cases exist against the individual to be charged, the new case shall be filed in that court, or
- (2) The prosecuting attorney certifies to the clerk that new filings are "companion cases". Companion cases shall denote cases involving co-defendants or cases arising out of the same or closely related transaction or occurrence or in any other instance where consideration of the case with others is the same forum is in the interests of judicial economy.
- (3) Where a conflict of interest exists, or other good cause is shown, the presiding judge of either court may permit the filing of that case so as to avoid the conflict.
- (4) In the event a cause is dismissed, it may later be refilled in the same court.

B. In order to offset the workload of exclusive juvenile filings in the Steuben Circuit Court, all misdemeanor cases shall be exclusively filed in the Steuben Superior Court, except:

- (1) If an active case or cases exist against the individual to be charged, the new case shall be filed in that court, or

- (2) The prosecuting attorney certifies to the clerk that new filings are "companion cases".
- (3) Where a conflict of interest exists, or other good cause is shown, the presiding judge of either court may permit the filing of that case so as to avoid the conflict.
- (4) In the event a cause is dismissed, it may later be refilled in the same court.

C. Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted or a disqualification or recusal is entered, the case shall be reassigned in a manner consistent with the District Plan adopted pursuant to the Supreme Court Weighted Caseload Measures Order.

LR76-TR79-5 Special Judge Appointments

A. Whenever selection of a special judge is required under Ind. Trial Rule 76 or Ind. Trial Rule 79(H), or any Local Rule adopted hereunder, this shall be the exclusive method for selecting the special judge.

B. Special judges serving Steuben County shall be selected by the Court from the remaining judicial officers sitting in Steuben County, and the judicial officers sitting in LaGrange County, in sequential rotating order.

C. The special judge selected shall have sole discretion to transfer the case to his/her court pursuant to Ind. Trial Rule 79(M).

D. By requesting the appointment of a special judge all parties waive the following:

- (1) the selection of a special judge pursuant to Ind. Trial Rules 79(D), 79(E) and 79(F); and,

- (2) any objection to the transfer of the case pursuant to T.R. 79(M) if same should be ordered by the special judge.

E. This Local Administrative Rule does not apply to the selection of special judges in criminal cases.

LR76-JR4-6 Selection of Jurors

A. The Court utilizes the two (2) tier system for impaneling jurors for trial.

B. Prospective jurors are first notified they have been selected for jury duty and requested to complete and return a juror qualification form. The jury administrator thereafter sends summons for a particular case at least one (1) week before the scheduled start of the trial.

C. In all cases twelve (12) prospective jurors shall be seated in the jury box to commence the voir dire examination.

D. The party having the burden of proof shall conduct the first voir dire examination of the panel.

E. All challenges of prospective jurors shall be made at the close of each completed round of voir dire examination, and strikes shall be submitted in writing by each party, simultaneously, to the judge at the bench.

F. The Court will rule first upon challenges for cause and will then receive peremptory challenges. A peremptory challenge made by a party shall count against such party's total allowed challenges regardless of whether the other party has also made a peremptory challenge of the same prospective juror.

G. A juror who is not removed either for cause or peremptorily on the first occasion for making challenges following the voir dire examination shall be accepted as a juror for the trial by both

parties, and may not thereafter be challenged peremptorily, and may be challenged for cause only if such cause is based upon information solicited after the first voir dire examination of the juror.

H. Upon the removal of any prospective juror(s) from the panel, additional juror(s) shall be seated to replace the excused juror(s) and voir dire examination of the additional prospective juror(s) shall proceed according to this Rule.

I. In all cases where only six (6) jurors, excluding alternate, are to be seated challenges either for cause or peremptorily may be made against any of the twelve (12) prospective jurors. The first six (6) jurors remaining, after challenges, in the order that their names are drawn shall constitute the jury to try the case.

J. An alternate juror(s) may be seated in accordance with law, and in the discretion of the Court.

LR76-AR15-7 Court Reporters

A. Court Reporters have customarily been and shall continue to be paid an annual salary for time spent working under the control and supervision of the Court during any regular working hours, gap hours or overtime hours.

B. Court Reporters shall receive \$4.25 per page as compensation for County indigent transcript preparation.

C. Court Reporters shall submit claims directly to the County for the preparation of County indigent transcripts.

D. Court Reporters shall receive \$4.25 per page for the preparation of State indigent transcripts.

E. Court Reporters shall receive \$4.25 per page for the preparation of private transcripts.

F. Court Reporters shall report at least on an annual basis to the Division of State Court Administration, on forms prescribed by the Division of State Court Administration, all transcript fees whether they be by County indigent, State indigent or private fees received by said Court Reporter.

G. Court Reporters shall not engage in private practice through the recording of a deposition and/or preparing a deposition transcript. Court Reporters shall have written agreements with the Court which outline the manner in which the Court Reporter is to be compensated for all gap and overtime hours which shall include either direct monetary compensation, or, compensatory time off regular working hours.

LR76-AR12B-8 Transcript for Appeal

A. Pursuant to Ind. Appellate Rule 12B the Clerk, at her sole option, may release to counsel either the original or a copy of the transcript. If a copy of the transcript is provided to counsel, it shall be provided without additional cost to counsel. If the original transcript is released to counsel by the Clerk it shall be returned to the Clerk prior to the expiration of the party's briefing schedule. If counsel should receive an extension of time to file briefs they shall notify the Clerk, in writing, of this fact.

B. In non-indigent cases, the Court Reporter shall not commence preparation of the transcript until she has received her initial request for compensation. The Court Reporter shall not release the finished transcript until she has been fully compensated.

CIVIL SMALL CLAIM RULES

LR76-SC-1 Service and Appearance

A. Upon failure to obtain adequate service over a party, the party seeking to obtain service shall be granted sixty (60) days to perfect service. Failure to perfect service within such sixty (60) day period may result in the cause or applicable motion being dismissed without prejudice.

B. Should a party that is ordered to appear at a proceedings supplemental hearing fail to appear for such hearing, the non-appearing party shall be subject to a Rule to Show Cause (contempt citation) to determine whether a finding of contempt should enter against such party.

C. Bail for a body attachment may be set in cash for the amount of the judgment, or \$1,000.00, whichever is less.

D. If a party is unable to meet the bail endorsed upon the body attachment, that person shall be brought before the Court immediately for a Rule to Show Cause hearing (contempt hearing). The moving party shall also appear, if possible.

LR76-SC-2 Trial Date

A. All small claims shall be initially set for trial at a time that may be insufficient for an actual trial to take place. Upon entry of an appearance by an attorney for a defendant, upon the filing of a responsive pleading or counter-claim, or upon oral motion for a contested hearing, the cause shall be set for the next available "contested" trial date.

LR76-SC-3 Collection

A. The Clerk shall accept no Motions for Proceedings Supplemental for filing less than ten (10) days from the date of judgment, without leave of Court being first obtained.

Worksheet – Child Support Obligation

Each party shall complete that portion of the worksheet that applies to him or her, sign the form and file it with the court. This worksheet is required in all proceedings establishing or modifying child support.

IN RE:

CASE NO:

FATHER:

MOTHER:

CHILD SUPPORT OBLIGATION WORKSHEET (CSOW)

Children	DOB	Children	DOB

1. WEEKLY GROSS INCOME Subsequent Children Multipliers (Circle .935 .903 .878 .863 .854)	FATHER	MOTHER	
A. Child Support (Court Order for Prior Born Child(ren))			
B. Child Support (Legal Duty for Prior Born Child(ren))			
C. Maintenance Paid			
D. WEEKLY ADJUSTED INCOME (WAI) Line 1 minus 1A, 1B, and 1C			
2. PERCENTAGE SHARE OF TOTAL WAI	%	%	
3. COMBINED WEEKLY ADJUSTED INCOME (Line 1D)			
4. BASIC CHILD SUPPORT OBLIGATION Apply CWAII to Guideline Schedules			
A. Weekly Work-Related Child Care Expense of each parent			
B. Weekly Premium – Children’s Portion of Health Insurance Only			
5. TOTAL CHILD SUPPORT OBLIGATION (Line 4 plus 4A and 4B)			
6. PARENT’S CHILD SUPPORT OBLIGATION (Line 2 times Line 5)			
7. ADJUSTMENTS			
() Obligation from Post-Secondary Education Worksheet Line J.	+ _____	+ _____	
() Payment of work-related child care by each parent. (Same amount as Line 4A)	- _____	- _____	
() Child(ren)’s Portion of Weekly Health Insurance Premium \$ _____. (This will be a credit to the payor)	- _____	- _____	
() Parenting Time Credit \$ _____.	- _____	- _____	
8. RECOMMENDED CHILD SUPPORT OBLIGATION			

EXPLAIN ANY DEVIATION FROM GUIDELINE SCHEDULES IN ORDER/DECREE.

I affirm under penalties for perjury that the foregoing representations are true.

Father: _____

Dated: _____

Mother: _____

UNINSURED HEALTH CARE EXPENSE CALCULATION

A. Custodial Parent Annual Obligation: (CSOW Line 4) \$ _____ + (PSEW § Two, Line I) \$ _____ = \$ _____ x 52 weeks x .06 = \$ _____.

B. Balance of Annual Expenses to be Paid: (Line 2) _____ % by Father; _____ % by Mother.

Worksheet – Child Support Obligation

IN RE:	CASE NO: FATHER: MOTHER:		
PARENTING TIME CREDIT WORKSHEET			
Children	DOB	Children	DOB

Line:		
1PT	Enter Annual Number of Overnights	
2PT	Enter Weekly Basic Child Support Obligation – BCSO (Enter Line 4 from Child Support Worksheet)	_____.__
3PT	Enter Total Parenting Time Expenses as a Percentage of the BCSO (Enter Appropriate TOTAL Entry from Table PT)	.____
4PT	Enter Duplicated Expenses as a Percentage of the BCSO (Enter Appropriate DUPLICATED Entry from Table PT)	.____
5PT	Parent's Share of Combined Weekly Income (Enter Line 2 from Child Support Worksheet)	.____
6PT	Average Weekly Total Expenses during Parenting Time (Multiply Line 2PT times Line 3PT)	_____.__
7PT	Average Weekly Duplicated Expenses (Multiply Line 2PT times Line 4PT)	_____.__
8PT	Parent's Share of Duplicated Expenses (Multiply Line 5PT times Line 7PT)	_____.__
9PT	Allowable Expenses during Parenting Time (Line 6PT – Line 8PT)	_____.__
	Enter Line 9PT on Line 7 of the Child Support Worksheet as the Parenting Time Credit	

Worksheet – Child Support Obligation

IN RE:	CASE NO: FATHER: MOTHER:		
POST-SECONDARY EDUCATION WORKSHEET (PSEW)			
Child:	DOB		
SECTION ONE: DETERMINATION OF EDUCATION EXPENSE	FATHER	MOTHER	
A. Parents' Percentage Share of Total Weekly Adjusted Income From Line 2 of Child Support Worksheet	%	%	
B. Educational Costs:			
(1) Tuition			
(2) Room & Board			
(3) Books			
(4) Fees			
(5) Other			
TOTAL EDUCATIONAL COSTS (Part B – Lines 1-5)			
C. Child's Share of Costs			
(1) Scholarships			
(2) Grants in Aid			
(3) Student Loans			
(4) Child's Cash Share			
(5) Other			
TOTAL CREDITS (Part C – Line 1-5)			
D. Parents Total Obligations: Subtract Total Credits From Total Costs			
Parents' Share: Line A x Line D	\$	\$	
SECTION TWO: DETERMINATION OF SUPPORT WHILE STUDENT AT HOME			
E. Weeks Student Lives at Home _____ Divided by 52 =			%
F. Basic Child Support Obligation For All Children,. Including Student (Apply CWAII from Line 3 of Child Support Worksheet to Guideline Schedule)			
G. Basic Child Support Obligation for Children Living with Custodial Parent from Line 4 of Child Support Worksheet.; If student is only child, this amount is \$0			
H. Weekly Child Support Obligation Attributable to Student Living Away From Home (Subtract Line G From Line F)			
I. Calculation of Support Obligation For Student (Multiply Line H ____ x Line E ____)			
J. Parent's Weekly Child Support Obligation: (Line A x Line I)	\$	\$	

Line J of section Two will be reflected in Section 7 of the Child Support Worksheet resulting in the Recommended Support Obligation.

STATE OF INDIANA)
)SS:
COUNTY OF STEUBEN)

IN THE STEUBEN CIRCUIT/SUPERIOR COURT

_____)
Petitioner)
)
and)
)
_____)
Respondent)

CAUSE NO.

VERIFIED PROVISIONAL ASSET AND EXPENSE STATEMENT

A. Wife wants the following assets temporarily set aside to her:

B. Husband wants the following assets temporarily set aside to him:

C. The parties jointly agree that the monthly marital debts are as follows:

	<u>Creditor</u>	<u>Montly Payment</u>
1. Mortgage 1 (Include taxes and insurance allocated on monthly basis)	_____	_____

Address		
2. Mortgage 2 (Includes taxes and insurance allocated on monthly basis)	_____	_____

Address		
3. Auto (Make, model, year) (Include insurance and taxes allocated on monthly basis)	_____	_____

Address		
4. Auto (Make, model, year) (Include insurance and taxes allocated on monthly basis)	_____	_____

Address		
5. Auto (Make, model, year) (Include insurance and taxes allocated on monthly basis)	_____	_____

Address		
6. Rent (marital home) (Include insurance, if any, allocated on monthly basis)	_____	_____

Address		
7. Land Contract (Include insurance and taxes, if applicable, allocated on monthly basis)	_____	_____

Address		

8. Mobile Home
(Include lot rent, taxes and
insurance allocated on
monthly basis) _____

Address

9. Installment Loan
(Not set forth above) _____

10. Installment Loan
(Not set forth above) _____

11. Medical Expense _____

12. Medical Expense _____

13. Medical Expense _____

14. Utility expenses for marital home

a. Gas _____

b. Electric _____

c. Water _____

d. Sewage _____

e. Telephone _____

f. Other _____

15. Additional marital debts

a. _____

b. _____

c. _____

d. _____

e. _____

D. Husband shall answer questions D3, 4, 5, 6, 7 and 8, and questions
D1 and 2 if he has left the marital home.

1. Rent or mortgage
(Include taxes and insurance
allocated on monthly basis) _____

Address

2. Utilities

- | | | |
|----------------|-------|-------|
| a. Gas | _____ | _____ |
| b. Electric | _____ | _____ |
| c. Water | _____ | _____ |
| d. Sewage | _____ | _____ |
| e. Telephone | _____ | _____ |
| f. Other _____ | _____ | _____ |

3. Food

4. Clothing

5. Gas/Oil/Maintenance

6. Education

7. Scheduled Medical

8. Other

- | | |
|----------|-------|
| a. _____ | _____ |
| b. _____ | _____ |
| c. _____ | _____ |

E. Wife shall answer questions E3, 4, 5, 6 , 7 and 8, and questions E1 and 2 if she has left the marital home.

1. Rent or mortgage

(Include taxes and insurance
allocated on monthly basis)

Address

2. Utilities

- | | | |
|----------------|-------|-------|
| a. Gas | _____ | _____ |
| b. Electric | _____ | _____ |
| c. Water | _____ | _____ |
| d. Sewage | _____ | _____ |
| e. Telephone | _____ | _____ |
| f. Other _____ | _____ | _____ |

- | | |
|------------------------|-------|
| 3. Food | _____ |
| 4. Clothing | _____ |
| 5. Gas/Oil/Maintenance | _____ |
| 6. Education | _____ |
| 7. Scheduled Medical | _____ |
| 8. Other | |
| a. _____ | _____ |
| b. _____ | _____ |
| c. _____ | _____ |

WE AFFIRM UNDER PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Wife

Husband

STATE OF INDIANA)	IN THE STEUBEN CIRCUIT/SUPERIOR COURT
)	
) SS:	
COUNTY OF STEUBEN)	
IN RE: THE MARRIAGE OF)	
)	
_____)	
Petitioner)	
)	
and)	CAUSE NO. _____
)	
_____)	
Respondent)	

PROPERTY, INDEBTEDNESS, AND EARNINGS DISCLOSURE

Comes now Petitioner/Respondent and files Property, Indebtedness, and Earnings Disclosure with the Court.

It is requested that the Court set this cause for trial. It is anticipated that trial of this cause will require _____.
(amount of time necessary)

The filing of these disclosures and service of the same upon the opposing party constitutes a request for admissions to the opposing party that the information contained therein is true. In the event that the opposing party does not admit the truth of the allegations contained therein, the opposing party shall, within thirty (30) days from this date, complete such party's respective and corresponding portion of the disclosure form heretofore filed. In the event that the opposing party does not complete his or her respective and corresponding portion of the form within thirty (30) days, the information contained therein shall be deemed to be admitted as fact by the opposing party pursuant to L. Civil R. 9F(3).

Custody of the children (will/will not) be an issue at trial of this cause.

Attorney for Petitioner/Respondent

CERTIFICATE OF SERVICE

I hereby certify that I did, on the _____ day of _____, 20__, mail or deposit in the Steuben County Courthouse attorney's mailbox a copy of the above document to _____.

RE: MARRIAGE OF _____

CAUSE NO. _____

ASSETS

Description	Date Acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W or J	Lien Holder & Unpaid Amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)

Real Estate
(attach all legal descriptions)

	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----

Motor Vehicles
(Please state make, model and year for each motor vehicle)

	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----

ASSETS

Description	Date Acquired Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W or J	Lien Holder & Unpaid Amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)

Cash, Bank Accounts, CD's
(Please state location and identifying numbers)

Stocks and Bonds
(Attach copies of certificates)

RE: MARRIAGE OF _____

CAUSE NO. _____

ASSETS

Description	Date Acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W or J	Lien Holder & Unpaid Amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)
Retirement Accounts and IRA's (List value on date of marriage and date of filing)						
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----

Life Insurance Policies

(List all policies, even those without cash surrender value)

	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----

ASSETS

Description	Date Acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W or J	Lien Holder & Unpaid Amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)

Business Interests
(Sole proprietorships, partnerships, corporations, limited liability companies, etc., attach all professional appraisals)

	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----

Other assets

	-----				-----	-----
	-----				-----	-----
	-----				-----	-----
	-----				-----	-----

ASSETS

Description	Date Acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W or J	Lien Holder & Unpaid Amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)

Household Furnishings

	-----				-----	-----
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	-----				-----	-----

ASSETS

Description	Date Acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W or J	Lien Holder & Unpaid Amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)
Household Furnishings						
	-----				-----	-----
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	-----				-----	-----
	-----				-----	-----

CAUSE NO. _____

DEBTS

[illegible]

RE: MARRIAGE OF _____

CAUSE NO. _____

INCOME

	Employer	Job Classification	Length of Employment	Rate of Pay	Gross Earnings Per Pay Period	Net Per Pay Period
Husband						
Wife						

OTHER INCOME (SOURCE - AMOUNT)

Husband	
Wife	

I affirm under penalties for perjury that the foregoing representations, and all attachments hereto, are true and correct.

Dated: _____

Petitioner

Dated: _____

Respondent

You are under a continuing duty prior to trial to amend this statement if you learn the information contained herein is no longer accurate. Both parties should endeavor to stipulate as to the value of all assets, or be prepared to establish the values by appraisal.

REGISTRATION FORM

SANDCASTLES – HELPING CHILDREN SUCCEED AFTER DIVORCE

SEMINARS FOR PARENTS AND CHILDREN

Name _____ Case No. _____

Street Address _____

City _____ State _____ ZIP _____

Phone _____

Children's Name (s): _____ Age: _____ Grade: _____ School: _____

Children will attend with me () OR other parent (). (Check one)

Note: Parents must register separately at the Courthouse and have the right to attend a separate session from the child's other parent. If a "No Contact Order" is in place, you MUST NOT ATTEND THE SAME SESSION.

If you wish to attend a separate session, check below. CHILDREN AGES 6 THROUGH 17 YEARS OF AGE MUST ATTEND THE SATURDAY SEMINARS. CHILDCARE WILL NOT BE PROVIDED FOR CHILDREN 5 YEARS OF AGE AND YOUNGER.

_____ I wish to attend a separate session.

**PARENT ONLY seminars will be held on the third Wednesday of the month from 6:00 PM until 8:30 PM
PARENTS WITH CHILDREN seminars will be held on the third Saturday of the month from 9:00 AM until 11:30 AM.**

All seminars will be held at the Northeastern Center, Inc., 200 Hoosier Dr., Ste E, Angola, IN. 46703 Tele: (260) 665-9494.

PLEASE ARRIVE 5 MINUTES EARLY. SEMINARS BEGIN PROMPTLY AT SCHEDULED TIMES. LATE ARRIVALS WILL NOT BE ADMITTED AND WILL HAVE TO SCHEDULE FOR ANOTHER SESSION. THESE SEMINARS ARE HELD AT THE THIRD WEDNESDAY AND THE THIRD SATURDAY OF THE MONTH.

Circle one of the following choices:

PARENTS WITH CHILDREN - SATURDAY AM: 1/20/07; 2/17/07; 3/17/07; 4/21/07; 5/19/07; 6/16/07; 7/21/07; 8/18/07; 9/15/07; 10/20/07; 11/17/07; 12/15/07

PARENTS ONLY - WEDNESDAY PM: 1/17/07; 2/21/07; 3/21/07/4/18/07; 5/16/07; 6/20/07; 7/18/07; 8/15/07; 9/19/07; 10/17/07; 11/21/07; 12/19/07

ATTENDANCE CONFIRMATION

The above named person attended the two and one-half hour seminar, "Helping Children Succeed After Divorce" on _____ (date).

Facilitator's Signature

___ Child(ren) were present ___ Child(ren) were not present ___ Child(ren) were not required to attend

STATE OF INDIANA)
) SS:
COUNTY OF STEUBEN)

IN THE STEUBEN CIRCUIT/SUPERIOR COURT

CAUSE NO. _____

STATE OF INDIANA)
VS)
_____)

DEFENDANT'S WAIVER OF RIGHTS
(I.C. 35-33-7-5)

5. The Defendant hereby waives his/her right to initial hearing and the advisement of rights as required by I.C. 35-33-7-

This motion is made on the grounds that the Defendant has been advised by counsel of the following:

1. That Defendant has the right to retain counsel and if Defendant intends to retain counsel, Defendant must do so within:

- (a) Twenty (20) days if Defendant is charged with a felony; or,
- (b) Ten (10) days if Defendant is charged only with one or more misdemeanors;

after this initial hearing, because there are deadlines for filing motions and raising defenses, and if those deadlines are missed, the legal issues and defenses that could have been raised will be waived;

2. That Defendant has the right to court appointed counsel at no expense to Defendant if Defendant is unable to afford to hire an attorney;

3. That Defendant has the right to a speedy and public trial by jury. However, if Defendant is charged only with one or more misdemeanors, then, Defendant must make written demand for trial by jury on or before ten (10) days prior to the first scheduled trial date or Defendant will waive his/her right to trial by jury and this case will be tried to the Court;

4. Of the amount and condition of bail;

5. Of Defendant's privilege against self-incrimination and right to remain silent;

6. Of the nature of the charge against him/her including sentencing alternatives;

7. That a preliminary plea of not guilty is being entered for Defendant and the preliminary plea of not guilty will become a formal plea of not guilty:

- (a) Twenty (20) days after the completion of the initial hearing; or,
- (b) Ten (10) days after the completion of the initial hearing, if a person is charged only with one or more misdemeanors;

unless the Defendant, after consulting with counsel, enters a different plea.

By signing this document, the Defendant states to the Court that he/she has read and understands it.

Defendant

I certify to the Court that I have advised the Defendant of the matters required by I.C. 35-33-7-5 and have explained this document to the Defendant. Defendant has been given a copy of the criminal information filed in this case. I believe that the Defendant understands the rights set forth in this document and the nature of the hearing that Defendant waives by signing it.

Attorney for Defendant

STATE OF INDIANA)		IN THE STEUBEN CIRCUIT/SUPERIOR
)	SS:	COURT
COUNTY OF STEUBEN)		
STATE OF INDIANA)		
Plaintiff)		
)		
vs.)	CAUSE NO.	_____
)		
_____)		
Defendant			

DISCOVERY ORDER

The Courts now order the State of Indiana to produce the following material and information within its possession or control to the Defendant no later than the date scheduled for the first pre-trial conference:

- (1) The names, addresses and telephone numbers (if known) of all persons whom the State intends to call as witnesses; together with their relevant written or recorded statements (or transcripts thereof) made in connection with the above entitled case. Transcripts of Grand Jury testimony shall be paid for by the party requesting the transcripts.
- (2) Any written or recorded statements and the substance, in writing, of any oral statements made by the accused or by a co-defendant, including a list of witnesses to the making and acknowledgement of such statements.
- (3) A copy of all police reports and any reports or statements of experts made as the result of any scientific tests, experiments or comparisons made in connection with this case.
- (4) A copy of the criminal record of the Defendant including a copy of any traffic record if part of the prosecution is for a traffic offense.
- (5) A list (including a brief description) of all books, papers, documents, photographs, items of personal evidence or other tangible objects which the State intends to use at trial or which were obtained from or belong to the Defendant. Upon request of the Defendant, the State shall make arrangements convenient to the parties for the inspection, copying, and photographing of any such evidence. Such arrangements shall be made expeditiously.
- (6) All evidence of any nature whatsoever which would tend to exculpate the Defendant in this case.

- (7) To inform the defense whether or not evidence was acquired by governmental officials or their agents acting directly or indirectly as a result of the execution of any process, and if such has occurred, the State is ordered to produce for the defense a copy of said process.
- (8) To disclose whether or not photographs of Defendant were reviewed by any witness for identification purposes and to disclose the time, date, place and persons present at such viewing and to produce all photographs used whether of Defendant or other persons.
- (9) All Indiana Rules of Evidence 404(b) material.

The Courts further order that the Defendant, subject to constitutional limitations, produce the following material and information to the State of Indiana within twenty (20) days of the filing of the State's answer to this Discovery Order:

- (1) The names, addresses and telephone numbers (if known) of all persons whom the Defendant intends to call as witnesses; together with their relevant written or recorded statements (or transcripts thereof) made in connection with the above entitled case.
- (2) A list (including a brief description) of all books, papers, documents, photographs, items of physical evidence or other tangible objects which the Defendant intends to use at trial. Upon request of the State, the Defendant shall make arrangements convenient to the parties for the inspection, copying, and photographing of any such evidence. Such arrangements shall be made expeditiously.
- (3) A statement of all defenses which the Defendant intends to use at any hearing or trial in this case.
- (4) Any reports or statements of experts made as a result of scientific tests, experiments, or comparisons made in connection with this case and the results of any physical or mental examinations of the Defendant that the Defendant intends to introduce as evidence in the trial of this cause.
- (5) Upon written request of the State, arrangements convenient to the parties shall be made requiring the Defendant to:
 - (a) speak for identification by witnesses to the crime charged in this case;
 - (b) be fingerprinted;
 - (c) appear in a "line-up";
 - (d) pose for photographs not involving reenactment of the crime;
 - (e) try on articles of clothing in the possession of the State;

- (f) permit the taking of samples of blood, hair, urine or other bodily substance in a manner which will not involve an unreasonable intrusion into his/her body;
- (g) provide a handwriting sample; and,
- (h) submit to a reasonable physical or medical inspection of his body.

Such arrangements shall be made expeditiously.

Any objections to this Order (including a legal memorandum) shall be filed in writing within ten (10) days of this date or shall be deemed waived, except upon a showing of good cause.

The obligations and responsibilities under this Order shall continue throughout the proceedings and until final disposition of the case. Not less than ten (10) days before any trial setting the case shall be reviewed by the respective parties; and an amended answer, if appropriate, be filed with opposing counsel within seven (7) days of the trial date.

Discovery material furnished pursuant to this Order shall not be filed with the Court. However, counsel for the parties or the Defendant (if not represented by counsel) shall certify to the Court, in writing, within the time limits prescribed that this Order has been complied with. Copies of the certification shall be furnished to opposing counsel (or Defendant, if unrepresented by counsel) and any objections to the certifications shall be filed within ten (10) days of the date the certification is filed with the Court.

The parties shall have a continuing obligation to assist the Court in the enforcement of this Order. If a response to the Order is not filed in a timely manner, then the opposing party shall file an appropriate motion within five (5) days after the failure seeking sanctions or any other appropriate remedy. If such a pleading is not filed by the party getting the benefit of a discovery response, then the failure to file shall be deemed a waiver of any right to a continuance allegedly necessary for preparation for any hearing or trial of this case.

Failure to comply with this Order may be enforced by contempt on the Court's own motion or the motion of any party.

DATED: _____

ALLEN N. WHEAT
Judge, Steuben Circuit Court

WILLIAM C. FEE
Judge, Steuben Superior Court

Distribution to:

STATE OF INDIANA)
) SS:
COUNTY OF STEUBEN)

IN THE STEUBEN CIRCUIT/SUPERIOR COURT

CAUSE NO. _____

STATE OF INDIANA)
VS)
_____)

**PERSONAL APPEARANCE BOND
WITH TEN PERCENT CASH DEPOSIT**

I understand that I have been admitted to bail in the sum of \$_____ to assure my appearance in the Steuben Circuit Court in all matters in the above captioned cause. In lieu of a surety bond, property bond, or full cash bond, I voluntarily accept the option given by the Court to deposit 10% of the amount of bail in cash with the Clerk of the Court as security for the full amount of the bail.

I understand that I am bound to the State of Indiana in the sum of \$_____. If I appear in Court as directed and comply with all conditions as ordered by the Court until this case is finally determined, then this bond shall be void, if otherwise, the bond shall remain in full force.

If I do not appear at any time fixed by the Court, the Court shall declare this bond to be forfeited and notice of forfeiture shall be mailed to me at the address appearing below my signature, or to the attorney representing me in this case. If I do not appear within 30 days from the date of forfeiture and satisfy the Court that my appearance was, or is, impossible and without my fault, then the Court shall enter a judgment for the State and against me and certify the judgment to the Clerk for record. The amount deposited in cash shall be applied to the payment of the judgment. The balance of the judgment may be endorsed and collected in the same manner as a judgment entered in a civil action.

I further understand that if I fail as required or violate any of the conditions of release from custody, the release may be revoked and a warrant for my arrest will be issued immediately.

I agree to the following terms and conditions for being released from custody on bond during the pendency of this cause:

1. I will not leave the State of Indiana without the written permission of the Court;
2. I will inform my attorney, or the Court if I have no attorney, of any change of address or employment within 24 hours of such change;
3. I will personally appear in the cause in the Court of Record whenever my appearance is required by the Court. Notice by the Court to my attorney of record shall constitute notice to me as though served personally. If I am not represented by an attorney, then notice will be mailed to the address below my signature;
4. I agree to comply with all other conditions or releases as ordered by the Court.

When the conditions of the bond have been performed, the Clerk of the Court shall return to me all sums deposited less those amounts set forth hereinafter which I agree may be retained by the Clerk of the Court.

1. An administrative fee which equals the lesser of 10% of the amount deposited, or \$50.00;
2. Up to \$100.00 to be paid into the supplemental Public Defender's Fund;
3. Initial probation user's fee, restitution, fines, costs and administrative fees;
4. Remainder, if any, to Defendant.

I understand the terms of this agreement and voluntarily enter into it.

Date: _____

Signature of Defendant

Date: _____

Date of Defendant's next required
appearance in Court. If line is blank,
notice will be mailed to Defendant.

Printed or typed name

Current address

Jail Officer's Signature

City

State

Zip

Printed or typed name

Telephone number with area code